

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 43 has been amended. Claims 1-19 and 22-42 are withdrawn from consideration and claims 21 and 22 have been canceled. Claims 43-47 are now pending.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

Claim Rejections Under 35 USC § 112, first paragraph

Claims 43-47, are rejected under 35 USC § 112, first paragraph, for lack of enablement. Applicants respectfully disagree. The specification teaches that inflammatory diseases are treated by blocking the signal transduction from IL-6 with an anti-IL-6 receptor antibody, which inhibits the biological activity of the IL-6 receptor. A person of ordinary skill in the art would understand this mechanism. Furthermore, a person of ordinary skill in the art would know that other anti-IL-6 receptor antibodies, besides PM-1 or MR16-1, which bind to the interleukin-6 receptor, block signal transduction by IL-6 and inhibit the biological activity of IL-6 could also be used for the treatment of inflammatory diseases in general.

Claim Rejections Under 35 USC § 102

The examiner has rejected claims 43-47 as being anticipated by WO 96/38481 ("the '481 reference"). Applicants respectfully disagree.

The '481 reference teaches that the blocking of all gp130-related signals is useful for treatment of inflammatory diseases. The examiner on page 4 of her office action specifies that

the claim is not specific to blocking a signal only through the IL-6 receptor. Applicants have amended the current claims to cover a method of treatment by “administering an anti-IL-6 receptor antibody which binds to the IL-6 receptor, blocks signal transduction by IL-6 and inhibits the biological activity of IL-6.” Accordingly, since the ‘481 reference does not teach, describe or suggest the treatment of inflammatory diseases using an anti-IL-6 receptor antibody, the present invention should be considered novel and inventive over the ‘481 reference.

Claim Rejections Under 35 USC § 103(a)

The examiner has rejected claims 43-47 as being unpatentable over WO 96/38481, the ‘481 reference, in view of Queen et al. (U.S. Patent No. 5,530,101). Applicants respectfully disagree.

The Queen reference teaches the production of antibody fragments, including the FAB fragment and the production of chimeric antibodies and the humanization of monoclonal antibodies as well as designing a humanized antibody that retains affinity for its antigen. The ‘481 reference teaches the blocking of all gp130-related signals to treat inflammatory diseases. Neither reference teaches, suggests or motivates one of ordinary skill in the art to treat inflammatory bowel disease through blocking the IL-6 receptor alone. Accordingly, based on both the arguments set forth above and on the scope of the Queen reference, applicants request that the examiner withdraw this rejection and allow claims 43-47.

Conclusion

In view of the foregoing remarks, Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application, as amended, is respectfully requested.

The examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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